

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ELECTION SYSTEMS & SOFTWARE,
INC.,

Plaintiffs,

v.

JAMES DALTON and DALTON
CONSULTING, LLC,

Defendants.

Case No. 8:09-CV-311

ORDER OF DISMISSAL

The Court, being fully advised on the premises, finds that the Stipulation to Dismiss With Prejudice submitted by Plaintiff Election Systems & Software, Inc. and Defendants James Dalton and Dalton Consulting, LLC (Doc. No. 40), is true and correct in all respects and should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said stipulation is GRANTED, and that Plaintiff's claims are dismissed with prejudice, with each party to bear its own attorney and expert fees and costs.

Dated this 21st day of October, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge

PREPARED AND SUBMITTED BY:

Michael C. Cox, #17588
Kristin M.V. Farwell, #23919
KOLEY JESSEN P.C., L.L.O.
One Pacific Place, Suite 800
1125 South 103rd Street
Omaha, NE 68124-1079
(402) 390 9500
(402) 390 9005 (facsimile)
Mike.Cox@koleyjessen.com
Kristin.Farwell@koleyjessen.com

Attorneys for Plaintiff.

APPROVED AS TO FORM AND CONTENT:

Erin L. Ebeler, #23923
Terry C. Dougherty, #11064
Woods & Aitken LLP
301 S. 13th Street, Suite 500
Lincoln, NE 68508-2578
(402) 437 8500
(402) 437 8558 (facsimile)
eebeler@woodsaitken.com
tdougherty@woodsaitken.com

Attorneys for Defendants.